

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

TIMOTHY L. IRWIN,

Plaintiff,

-against-

8:14-CV-0444 (LEK/RFT)

PLATTSBURGH CITY POLICE
DEPARTMENT; DARIN M. PERROTTE;
VASSAR; and LT. RASCO,

Defendants.

ORDER

This matter comes before the Court following a Report-Recommendation filed on September 5, 2014, by the Honorable Randolph F. Treece, U.S. Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3. Dkt. No. 11 (“Report-Recommendation”).

Within fourteen days after a party has been served with a copy of a magistrate judge’s report-recommendation, the party “may serve and file specific, written objections to the proposed findings and recommendations.” FED. R. CIV. P. 72(b); L.R. 72.1(c). If no objections are made, or if an objection is general, conclusory, perfunctory, or a mere reiteration of an argument made to the magistrate judge, a district court need review that aspect of a report-recommendation only for clear error. *Chylinski v. Bank of Am., N.A.*, 434 F. App’x 47, 48 (2d Cir. 2011); *Barnes v. Prack*, No. 11-CV-0857, 2013 WL 1121353, at *1 (N.D.N.Y. Mar. 18, 2013); *Farid v. Bouey*, 554 F. Supp. 2d 301, 306-07 & n.2 (N.D.N.Y. 2008); see also *Machicote v. Ercole*, No. 06 Civ. 13320, 2011 WL 3809920, at *2 (S.D.N.Y. Aug. 25, 2011) (“[E]ven a *pro se* party’s objections to a Report and Recommendation must be specific and clearly aimed at particular findings in the magistrate’s proposal, such that no party be allowed a second bite at the apple by simply relitigating a prior

argument.”).

No objections were filed in the allotted time period. See Docket. Accordingly, the Court has reviewed the Report-Recommendation for clear error and has found none. The Court notes, however, that subsequent to the filing of the Report-Recommendation, which recommends dismissal of the Complaint with leave to amend, Plaintiff filed an Amended Complaint. Dkt. No. 14. Therefore, the portion of the Report-Recommendation dismissing Plaintiff’s original Complaint is rejected as moot.

Accordingly, it is hereby:

ORDERED, that the Report-Recommendation (Dkt. No. 11) is **APPROVED and ADOPTED as modified**; and it is further

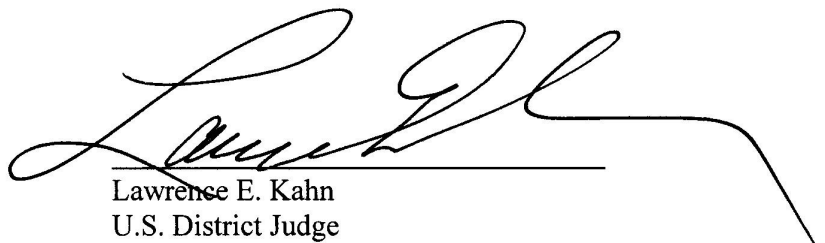
ORDERED, that Plaintiff’s Application to proceed *in forma pauperis* (Dkt. No. 9) is **GRANTED**; and it is further

ORDERED, that Plaintiff’s second Application to proceed *in forma pauperis* (Dkt. No. 15) is **DENIED as moot**;¹ and it is further

ORDERED, that the Clerk of the Court serve a copy of this Order on Plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.

DATED: October 16, 2014
 Albany, New York



Lawrence E. Kahn
U.S. District Judge

¹Because the Court grants Plaintiff’s first Application to proceed *in forma pauperis*, the second Application is therefore moot.